

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 20997 OF 1997

DATED: 28.3.2007

Between:

K.Venkata Narasa Reddy son of Konda Reddy
.Petitioner

and

Regional Manager, APSRTC, Prakasam Region, Ongole

...Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.20997 OF 1997

ORAL ORDER:

The petitioner assails the order of the respondent dated.17-12-1996 declining appointment to him as Conductor in respondent-Corporation.

The petitioner claims to have worked as Conductor-cum-Supervisor in the private bus bearing registration No.AAE 4547, which had a stage carriage permit to ply on the route Singarayakonda to Kanigiri (via) Kandukur, during 01-01-1986 to 28-02-1987. The route was nationalised in 1988. The petitioner was thus displaced from employment.

The respondent-Corporation by circular instructions evolved a scheme for absorption of some of the employees of the erstwhile private bus operators who were displaced from employment on account of the nationalisation. According to the circular instructions in vogue, two drivers and two conductors or vice versa, of the private buses are to be absorbed in the corporation service. In respect of the bus bearing No.AAE 4547 whereat the petitioner was employed earlier, one driver and three conductors were already absorbed. Again on the basis of an order of this Court in another W.P.No.18218 of 1987, another conductor was also absorbed. Accordingly four conductors and one driver were absorbed in respect of the single bus.

The owner of the bus had recommended the names of 12 employees for consideration for absorption into the APSRTC-

service. The petitioner was not absorbed. He earlier submitted a representation claiming absorption. By an order dated.28-07-1995 his claim for absorption was rejected and that led to the filing of W.P.No.28126 of 1995. The writ petition was disposed of directing consideration of his case afresh. The petitioner was subjected to an interview before the departmental selection committee on 21-11-1996. The selection committee recorded that of the 12 candidates who had applied, pursuant to the recommendations of the previous owner of the bus, one driver and four conductors were selected and absorbed in respect of the vehicle bearing No.AAE 4547, in pursuance of the circular instructions of the APSRTC and the directions of this Court in the other writ petition No.3654 of 1989. There was therefore no opportunity or feasibility of another Conductor being absorbed.

The petitioner states that there are several instances (pleaded in paras.4 and 7 of the writ petition) where five or six conductors were absorbed. The mere fact that the respondent-Corporation has unlawfully absorbed more conductors than were eligible under the circular instructions cannot be a ground for the petitioner claiming similar relief. As pointed out in **Secretary, State of Karnataka and others Vs. Uma Devi (3) and others**^[1] absorption is not a method of recruitment. If the circular of the respondent-Corporation creates a limited spectrum for absorption then no mandamus can issue to enlarge the spectrum and create an additional avenue for unlawful public employment. In the counter-affidavit it is stated that the four conductors already absorbed are of relatively superior service merit than the petitioner and therefore they were absorbed.

On the aforesaid analysis the petitioner failed to make out a case on fact or law, warranting grant of relief. There are no

merits. The writ petition is accordingly dismissed. No order as to costs.

GODA RAGHURAM,J

28th MARCH,2007
*TSNR

[\[1\]](#) (2006) 4 SCC 1